

**UNITED
NATIONS**



International Residual Mechanism
for Criminal Tribunals

Case No.: MICT-25-135-AR14.1

Date: 22 December 2025

Original: English

IN THE APPEALS CHAMBER

Before: Judge Graciela Gatti Santana, Presiding
Judge Claudia Hoefer
Judge Margaret M. deGuzman

Registrar: Mr. Abubacarr M. Tambadou

Decision of: 22 December 2025

IN THE MATTER OF PETER ROBINSON

PUBLIC

DECISION ON MOTION TO STRIKE NOTICE OF APPEAL

Amicus Curiae:
Mr. Kenneth Scott

Mr. Peter Robinson

THE APPEALS CHAMBER of the International Residual Mechanism for Criminal Tribunals (“Appeals Chamber” and “Mechanism”, respectively);¹

NOTING that, on 25 February 2025, a Single Judge of the Mechanism: (i) issued an order in lieu of indictment against Mr. Peter Robinson (“Robinson”) for contempt of the International Criminal Tribunal for Rwanda (“ICTR”) and/or the Mechanism, pursuant to Article 1(4)(a) of the Statute of the Mechanism (“Statute”) and Rule 90 of the Rules of Procedure and Evidence of the Mechanism (“Rules”), for having – or, alternatively, attempting or inciting others to have – prohibited contact with witnesses subject to protective measures ordered by the ICTR and/or the Mechanism;² (ii) directed the *amicus curiae*, who had conducted the investigation (“*Amicus Curiae*”), to prosecute the matter;³ (iii) referred the matter to the President of the Mechanism for designation of a Single Judge to conduct the proceedings and to determine whether the case should be referred to the authorities of a State in accordance with Article 6 of the Statute;⁴ and (iv) deferred to the Single Judge assigned to the matter the determination as to whether four allegations should be subject to disciplinary measures;⁵

NOTING that, on 7 November 2025, pursuant to Articles 1(4), 6(2), and 6(4) of the Statute and Rule 14 of the Rules, the Single Judge assigned to the matter ordered the referral of the case against Robinson to the authorities of the United States of America for disciplinary proceedings;⁶

NOTING that, on 24 November 2025, the *Amicus Curiae* filed a notice of appeal against the Impugned Decision;⁷

BEING SEISED OF a motion, filed by Robinson on 25 November 2025, seeking to strike the Notice of Appeal;⁸

¹ Order Assigning Judges to a Bench of the Appeals Chamber, 4 December 2025, p. 1.

² *In the Matter of Peter Robinson*, Case No. MICT-25-135-I, Decision Issuing Order in Lieu of Indictment, 25 February 2025, pp. 1, 2, 7.

³ *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, Decision on Allegations of Contempt, 25 February 2025 (“Decision on Allegations of Contempt”), paras. 4, 41. *See also Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, Order Directing the Registrar to Appoint an *Amicus Curiae* to Investigate Pursuant to Rule 90(C)(ii), 25 October 2021, p. 3; *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-R90.1, Decision, 30 November 2021, p. 2.

⁴ Decision on Allegations of Contempt, para. 41.

⁵ Decision on Allegations of Contempt, para. 41.

⁶ *In the Matter of Peter Robinson*, Case No. MICT-25-135-I, Decision on the Suitability of Referral of the Case, 7 November 2025 (“Impugned Decision”), para. 19.

⁷ Notice of Appeal Against the Decision to Refer the Case and Request to Stay an Order, 24 November 2025 (“Notice of Appeal”).

⁸ Motion to Strike Notice of Appeal, 25 November 2025 (“Motion”), paras. 1, 4, 10, 11.

NOTING Robinson’s submissions that: (i) since the *Amicus Curiae* is not the Prosecutor of the Mechanism (“Prosecutor”) appointed pursuant to Article 14(4) of the Statute, he has no standing under Rule 14(E) of the Rules to appeal the Impugned Decision as of right;⁹ and (ii) allowing the *Amicus Curiae* to appeal the Impugned Decision, without having first received certification from the Single Judge pursuant to Rule 80 of the Rules, would “circumvent [the] system of accountability”;¹⁰

NOTING the response, filed by the *Amicus Curiae* on 27 November 2025, arguing that Robinson misconstrues the legal framework as, pursuant to Rule 90(E) of the Rules, the Rules apply *mutatis mutandis* to contempt proceedings, and contempt cases, involving either an *amicus curiae* prosecutor or the Prosecutor, are subject to the same referral procedure and requirements;¹¹

NOTING the reply, filed by Robinson on 29 November 2025, stating that Rule 90(E) of the Rules does not give the *Amicus Curiae* the broad powers conferred on the Prosecutor and that, instead, his powers are limited to those specifically granted by the judges and subject to ongoing judicial supervision;¹²

RECALLING that the *Amicus Curiae* was directed by the Single Judge to prosecute the matter pursuant to Rule 90(D)(ii) of the Rules;¹³

CONSIDERING that Rule 14(E) of the Rules provides that “[a]n appeal by the accused or the Prosecutor shall lie as of right from a decision of the [Single Judge] whether or not to refer a case”,¹⁴ and that the Rule applies *mutatis mutandis* to contempt proceedings under Rule 90 of the Rules;¹⁵

RECALLING that the Rules are to be interpreted in accordance with their ordinary meaning in their context and in light of the object and purpose of the Statute and the Rules;¹⁶

CONSIDERING that the textual and contextual interpretation of the Rules supports the conclusion that Rule 14(E) of the Rules applies to an *amicus curiae* exercising prosecutorial function in contempt proceedings before the Mechanism and, therefore, to the *Amicus Curiae* in this case;

⁹ Motion, paras. 1-4, 7.

¹⁰ Motion, paras. 5, 7, 10.

¹¹ See Response to Motion to Strike Notice of Appeal, 27 November 2025, paras. 5, 6, 9-12.

¹² See Reply Brief: Motion to Strike Notice of Appeal, 29 November 2025, paras. 2-5, 10, 11.

¹³ Decision on Allegations of Contempt, para. 41.

¹⁴ See Rule 2(C) of the Rules.

¹⁵ See Rule 90(E) of the Rules. See also Articles 1(4) and 6(1) of the Statute.

¹⁶ *Prosecutor v. Marie Rose Fatuma et al.*, Case No. MICT-18-116-A, Judgement, 29 June 2022, para. 93 and references cited therein.

RECALLING that, having been appointed by the Registrar of the Mechanism and directed to prosecute a matter by a Single Judge, the assignment of an *amicus curiae* continues until the close of all related proceedings;¹⁷

CONSIDERING that, consistent with the above interpretation, the Appeals Chamber has previously allowed an appeal as of right by an *amicus curiae* prosecutor against a decision referring a contempt case to a State¹⁸ and that Robinson’s interpretation of the jurisprudence to support his Motion lacks merit;¹⁹

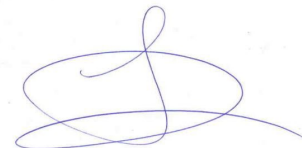
FINDING that Robinson has failed to demonstrate that the *Amicus Curiae* lacks standing to appeal the Impugned Decision as of right, in accordance with Rule 14(E) of the Rules;

FOR THE FOREGOING REASONS,

HEREBY DISMISSES the Motion.

Done in English and French, the English version being authoritative.

Done this 22nd day of December 2025
At Arusha,
Tanzania



Judge Graciela Gatti Santana
Presiding Judge

[Seal of the Mechanism]

¹⁷ See *In the Case Against Florence Hartmann*, Case No. IT-02-54-R77.5-A, Decision on Motions to Strike and Requests to Exceed Word Limit, 6 November 2009, para. 15; *In the Case Against Florence Hartmann*, Case No. IT-02-54-R77.5-A, Order to the Registrar to Serve Appeal Related Filings on the *Amicus Curiae* Prosecutor, 9 October 2009, p. 1.

¹⁸ See *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. MICT-17-111-R90, Decision on *Amicus Curiae*’s Appeal Against the Order Referring a Case to the Republic of Serbia, 12 December 2018.

¹⁹ Robinson’s reference to the legal standing of the Republic of Serbia (“Serbia”) in the *Jojić and Radeta* contempt case (see Motion, para. 8) does not support his contention as, in that case, the Appeals Chamber examined whether Serbia had standing to appeal a decision in a proceeding to which it was not a party. See *In the Case Against Petar Jojić and Vjerica Radeta*, Case No. MICT-17-111-R90-AR14.1, Decision on Republic of Serbia’s Appeal Against the Decision Re-examining the Referral of a Case, 24 February 2020, paras. 8-10. Robinson’s submission – that it would be unfair to allow the *Amicus Curiae* to appeal the Impugned Decision as of right whereas the Appeals Chamber previously dismissed Robinson’s appeal against the Single Judge’s decision initiating contempt proceedings (See Motion, para. 6; Reply, para. 9) – ignores that Robinson’s appeal was rejected because “Rule 90(J) of the Rules and established jurisprudence expressly regulate that there is no appeal as of right against a decision initiating contempt proceedings”. See *Prosecutor v. Anselme Nzabonimpa et al.*, Case No. MICT-18-116-AR90.1, Decision on Appeal of Decision on Allegations of Contempt and on Requests to Appear as *Amici Curiae*, 15 May 2025, p. 3.



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